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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,686	02/06/2002	James Brian Libby	9340.965US01	8775

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EXAMINER

NGUYEN, JIMMY H

ART UNIT	PAPER NUMBER
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2673

DATE MAILED: 08/04/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/068,686

Applicant(s)

LIBBY ET AL.

Examiner

Jimmy H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,5-9,12 and 14-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,5-9,12 and 14-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is made in response to applicant's amendment filed on 05/28/2004 (entered into the file wrapper as Paper No. 13). Claims 2, 5-9, 12 and 14-31 are currently pending in the application. An action follows below:

2. It is noted Applicant that claim 9 and 31 are similar.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features, "the entire window extends beyond the frame perimeter" of claims 7 and 8, "**an opening** in the wall of the structure" of claims 14, 17, 24, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 5, 6 and 8 are objected to under 37 CFR 1.75(a) because although these claims meet the requirement 112/2d, i.e., the metes and bounds are determinable, however, the feature, "the window" (see claim 5, line 1, claim 6, line 2 and claim 8, lines 1-2, should be changed to – the multi-task window--, so as to make this feature consistent with the feature recited in independent claim 21, line 3.

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It is in the best interest of the patent community that applicant, in his/her normal review and/or rewriting of the claims, to take into consideration these editorial situations and make changes as necessary.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 7 and 8 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding to claims 7-8, the disclosure, when filed, does not contain sufficient information regarding to the claimed features, “substantially the entire multi-task window extends beyond the frame perimeter”, of claim 7, and “a tab that remains within the frame perimeter when the window extends beyond the frame perimeter”, of claim 8. The disclosure, page 3, lines 2-17, only contains information as much as recited in the claims. However, the disclosure, when filed, does not contain sufficient information regarding to how substantially the entire third sash window 135 can extend beyond the frame perimeter 120. Moreover, if the entire third sash window 135 could extend beyond the frame perimeter 120 (i.e., all elements of the window 135 must be located out of the frame perimeter), how the multi-task window is located within the frame perimeter 120, as recited in independent claim 21, line 3, and how a tab 150 included in the window 135 remains within the frame parameter 120, as recited in claim 8.

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Accordingly, the disclosure, when filed, does not fairly contain sufficient information regarding to the above underlined claimed features, so as to enable one skilled in the pertinent art to make and use the claimed invention.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Regarding claim 12, the phrase "**and/or**" renders the claim indefinite because it is unclear whether the limitation following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

9. It is noted Applicant that due to the rejection under 35 USC 112 above, the following art rejections are based as best understood by the examiner.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2, 5-9, 12 and 14-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over McManigal (USPN: 5,253,051), and further in view of Mitchell (USPN: 3,896,589).

As per claims 5, 14, 15, 17 and 21-25, McManigal discloses a window unit comprising a window frame (12) defining a frame perimeter (see figs. 1, 2 and 6), and two windows, a first window (a window including two left portions 32 as shown in fig. 6) (also corresponding to the claimed window pane of claim 21) housed in a first sash, and a second window or a multi-task window (see fig. 6) including a video screen 31 (corresponding to the claimed display module)

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and three remaining portions 32 (each portion 32 corresponding to the claimed window pane) and housed in a second sash (see fig. 6). McManigal further teaches the display module (video display 10/31, see figs. 2 and 6, col. 2, lines 64-66, col. 5, line 31) adapted to receive a display signal from a display signal source (col. 1, line 61 through col. 2, line 1). Accordingly, McManigal discloses all the claimed limitations except for the features, “the window pane (32) permits viewing through the wall of the structure” of claim 21, “the multi-task window moves along a horizontal window unit axis” of claim 5, “the window is capable of creating an opening in the wall of the structure” of claim 14, “the window is capable of forming an opening in the wall” of claim 24, “the multi-task window moves along the window frame” of claim 25.

However, Mitchell expressly teaches two sash windows (12a, 12b) capable of moving along a horizontal window unit axis (fig. 1, col. 3, lines 5-10), thereby forming an opening in the wall. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified the McManigal sash window capable of moving along a horizontal window unit axis, in view of the teaching in the Mitchell reference, because this would provide the ventilation of within and outside the room.

Regarding to claims 2, 12, 16, 18 and 30, McManigal discloses that the display module is a liquid crystal display adapted to receive a digital display signal from the display signal source (col. 3, line 65 through col. 4, line 9). Further, McManigal discloses that the display module is a CRT device conventionally adapted to receive an analog display signal from the display signal source (col. 2, lines 64-66, col. 4, lines 1-9).

Regarding to claims 9 and 31, as noting in fig. 2, col. 5, line 25, McManigal discloses a speaker (24').

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Regarding to claims 6-8 and 26-29, as applied to claims 5 and 25 above, Mitchell further teaches a tap (a handle 95, see fig. 1) for allowing a user to grasp and easily to move the window. Accordingly, the combination of Mitchell and McManigal discloses all the claimed limitations except for at least a portion of the window or the entire window extends beyond the frame perimeter or into the wall adjacent the window frame, as presently claimed.

However, Official Notice is taken that at least a portion of the window or the entire window extending beyond the frame perimeter or into the wall is well known and expected in the art, e.g., the operation of the window of the door car, or the door of an elevator. Further, the benefits of using at least a portion of the window or the entire window extending beyond the frame perimeter or into the wall to provide a full range of opening are well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified the McManigal window capable of extending beyond the frame perimeter or into the wall adjacent the frame, because this would provide a full range of opening.

Regarding to claims 19 and 20, these claims are similar to a combination of claims 7 and 17 above, these claims are therefore rejected for the same reason as set forth in claims 7 and 17 above.

Response to Arguments

12. Applicant's arguments with respect to new claims 14-31, see page 10, lines 4-8, have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

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13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy H. Nguyen whose telephone number is (703) 306-5422. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached at (703) 305-4938.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

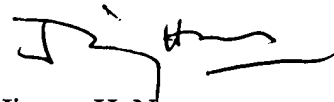
(703) 872-9314 (for Technology Center 2600 only)

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office whose telephone
number is (703) 306-0377.

JHN
July 28, 2004



Jimmy H. Nguyen
Examiner
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